

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MARCY C., pseudonmously,

Plaintiff(s),

v.

MGM RESORTS INTERNATIONAL, et al.,

Defendant(s).

Case No.2:24-CV-2027 JCM (MDC)

ORDER

Presently before the court is a motion to dismiss filed by defendants Extended Stay America, Inc., ESA P Portfolio L.L.C., and ESA P Portfolio Operating Lessee LLC (collectively referred to as “ESA defendants”). (ECF No. 136). Plaintiff McKenzie Keller filed a response. (ECF No. 139).

“[An] amended complaint supersedes the original, the latter being treated as non-existent.” *Loux v. Rhay*, 375 F.2d 55, 57 (9th Cir. 1967), *overruled on other grounds by Lacey v. Maricopa Cty.*, 693 F.3d 896 (9th Cir. 2012). The ESA defendants filed the motion to dismiss plaintiff’s prior complaint (ECF No. 136). However, alongside its response, plaintiff filed an amended complaint that is now the operative complaint in this action. (ECF No. 138). The ESA defendants have not filed a motion to dismiss plaintiff’s amended complaint.

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1 **I. Conclusion**

2 Accordingly,

3 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the ESA defendants'
4 motion to dismiss the prior complaint (ECF No. 136) be, and the same hereby is, DENIED as
5 MOOT.

6 DATED October 29, 2025.

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9 UNITED STATES DISTRICT JUDGE
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